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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,855	05/02/2001	David M. Pelland	104196.129	9193
25243	7590	10/03/2005		
COLLIER SHANNON SCOTT, PLLC 3050 K STREET, NW SUITE 400 WASHINGTON, DC 20007				
			EXAMINER KOPPIKAR, VIVEK D	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

**Office Action Summary**

Application No.

09/847,855

Applicant(s)

PELLAND ET AL.

Examiner

Vivek D. Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/27/01&11/04/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of the Application***

1. Claims 1-18 have been examined in this application. The Information Disclosure Statement (IDS) statement filed on June 25, 2001 has also been acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "16PF Model" in claim 7 renders the claim indefinite. "16PF" is a psychological personality test which has several editions. Therefore the exact details of this model are subject to change and therefore, makes this claim indefinite. The examiner recommends claiming the specific personality traits that the applicants wish to recite in the body of the claim.

For the purposes of examination, the examiner will the phrase "personality traits based on the 16PF Model" to encompass traits such as preferences of the user.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 5-11 and 16-17 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent Number 5,945,988 to Williams.

(A) As per claim 1, Williams teaches a method of adapting an electronic personal assistant to a subscriber for whom the electronic personal assistant provides services (Williams: abstract), comprising:

associating with a subscriber an electronic personal assistant personality defined by personality parameters (Col. 15, Ln. 26-40);

adjusting the personality parameters based on interactions with the subscriber over time (Col. 15, Ln. 26-40);

(B) As per claim 5, Williams teaches the step of selecting one of the profiles of the subscriber (Col. 15, Ln. 34-37).

(C) As per claim 6, Williams teaches the step of defining the personality parameters to include personality traits (user preferences) (Col. 15, Ln. 34-40).

(D) As per claim 7, Williams teaches that the personality traits are based on factors of the 16PF Model (user preferences) (Col. 15, Ln. 34-40).

(E) As per claim 8, in Williams the personality traits are represented as one or more surface traits (user preferences) (Col. 15, Ln. 34-40).

(F) As per claim 9, in Williams the adjusting comprises:

observing a contact from the subscriber (user) (Col. 15, Ln. 26-40).

analyzing the observed contact (Col. 15, Ln. 26-28); and

modifying the values of the personality parameters according to the defined variation based on the analysis of the observed contact (Col. 15, Ln. 26-40).

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(G) As per claim 10, in Williams the personality parameters (user preferences) are mapped to sets of rules (Col. 12, Ln. 10-14).

(H) As per claim 11, Williams applies rules with the set of rules to the observed contact (Col. 9, Ln. 25-30).

(I) As per claim 16, Williams teaches a computer program product residing on a computer readable medium for adapting an electronic personal assistant to a subscriber for whom the electronic personal assistant provides services, comprising instructions for causing a computer to (Williams: abstract and Col. 2, Ln. 1-15):

associate with a subscriber an electronic personal assistant personality defined by personality parameters (Col. 2, Ln. 1-15 and Col. 15, Ln. 26-40); and

adjust the personality parameters based on interactions with the subscriber over time (Col. 15, Ln. 26-40).

(J) As per claim 17, Williams teaches a personal assistant system (Williams: abstract) which comprises:

a personality unit (Col. 10, Ln. 26-36—user profile database (700));

personality parameters stored in a database to which the personality unit is coupled (Col. 10, Ln. 26-36);

an interface coupled to the personality component for enabling interactions with a subscriber (Col. 9, Ln. 2-30); and

wherein the personality unit is configured to analyze the interactions with the subscriber and adjust the personality parameters based on the results of the analysis (Col. 15, Ln. 26-40).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, as applied to Claim 1, above, and in further view of US Patent Number 6,345,954 to Traversat.

(A) As per claims 2-4, Williams does not teach that a value is assigned to each of the profiles with a default value being present and personality parameters varying from the default parameter, nor does Williams teach that each profile corresponds to a culture and the default value corresponds to a cultural norm associated with a culture. Williams also does not teach that each profile further corresponds to a market segment and the default value corresponds to a market segment norm; however, these aforementioned features are well known in the art as evidenced by Traversat (Col. 8, Ln. 65-Col. 9, Ln. 1-14). At the time of the invention it would have been obvious for one of ordinary skill in the art to have modified the method of Williams with the aforementioned features taught in Traversat with the motivation of having a reference from a computer's identifier to the appropriate profile entry, as recited in Traversat (Col. 8, Ln. 60-64).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, as applied to Claim 10 above, and in further view of US Patent Number 6,374,237 to Reese.

(A) Williams does not teach applying an artificial intelligence inference algorithm to the observed contact, however, this feature is well known in the art as evidenced by Reese (Col. 8,

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Ln. 39-42). At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modifies the method of Williams the aforementioned feature as recited in Reese with the motivation of producing a system capable of retrieving meaningful data as recited in Reese (Col. 4, Ln. 35-36).

9. Claims 13-15 are rejected under 35 U.S.C. as being unpatentable over Williams in view of Reese as applied to Claim 12, above, and in further view of US Patent Number 6,748,361 to Comerford.

(A) As per claim 13, Williams does not teach a feature wherein the variation associated with each personality parameters comprises a range of the values and the values within the range of values are associated with unique voice prompts, however, this feature is well known in the art as evidenced by Comerford (Col. 12, Ln. 48-57). At the time of the invention, it would have been obvious for one skilled in the art to have modified the collective system of Williams in view of Reese with the aforementioned feature from Comerford with the motivation of providing a mechanism to identify the unique voices of applications and the “target” values associated with each vocabulary, as recited in Comerford (Col. 12, Ln. 52-57).

(B) As per claim 14, the collective system of Williams in view of Reese and Comerford teaches the step of selecting a new one of the personality parameters values based on the application of the artificial intelligence inference algorithm and the rules; (Williams, Col. 15, Ln. 26-40 and Reese, Col. 8, Ln. 39-42) and

selecting one of the unique prompts associated with the selected new one the personality parameters value (Williams; Col. 15, Ln. 34-37).

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(C) As per claim 15, the collective system of Williams in view of Reese and Comerford teaches the step of monitoring the electronic assistant personality adjusting (Williams; Col. 15, Ln. 26-40); and providing additional values and associated unique prompts (user preferences) based on the monitoring (Williams; Col. 15, Ln. 26-40).

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, as applied to Claim 16 above, and in view of Comerford.

(A) As per claim 18, Reese does not teach a feature wherein a personality unit is further configured to indicate a voice prompt selection based on the adjusted personality parameters; however, this feature is well known in the art as evidenced by Comerford (Col. 12, Ln. 48-57). At the time of the invention, it would have been obvious for one skilled in the art to have modified the collective system of Williams in view of Reese with the aforementioned feature from Comerford with the motivation of providing a mechanism to identify the unique voices of applications and the “target” values associated with each vocabulary, as recited in Comerford (Col. 12, Ln. 52-57).

### ***Conclusion***

11. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner’s supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled “Box AF”).



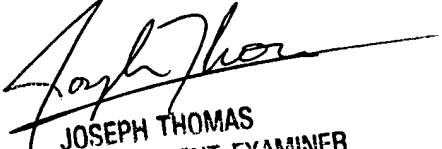
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Another resource that is available is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

  
Vivek Koppikar

9/13/2005

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600